

**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 07/06/99

AGENDA ITEM 7

WORK SESSION ITEM       

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Consolidated Landscaping and Lighting District No. 96-1, Zones 1-6 – Approve the Engineer's Report and Order the Levy of Assessments for FY 1999-00

**RECOMMENDATION:**

It is recommended that the City Council approve the final Engineer's Report for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-6, and order the collection and assessment levies shown in Table II below for fiscal year 1999-00.

**DISCUSSION:**

On June 8, 1999, the City Council adopted a resolution of intention to levy the annual assessment for Consolidated Landscaping and Lighting District No. 96-1. This hearing before Council completes the process for adopting the assessment and collection amounts, and the FY 1999-00 budget for each zone within the District.

On June 23, 1999, staff held a public meeting to solicit comments on the proposed budgets and help answer questions relating to the assessments. Nine homeowners of Zone 3 (Prominence) attended the meeting. They were generally agreeable with the proposed district budget, which was created with their input, but they were not fully satisfied with the level of service provided by the contractor. Another meeting has been set for July 14, 1999, for staff and Prominence residents to begin to address these concerns.

Assessment amounts for FY 1999-00 are the same as those of FY 1998-99. Collection amounts on the other hand, have increased in four of the six zones. The per-lot increase in the annual collection amount in Zones 1, 2, and 3 is \$2.76, \$28.17, and \$56.60, respectively; and \$0.44 per lineal foot in Zone 6. Collection amounts can be less than assessment amounts because surpluses are carried forward.

The following tables provide summary information regarding the various zones in the District, and the proposed assessment and collection amounts. The attached Engineer's Report provides additional detailed information regarding the facilities maintained in each zone and the proposed budgets.

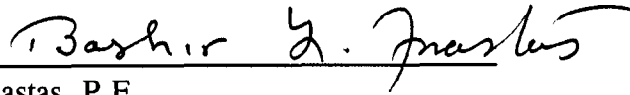
**Table I**

Consolidated Landscaping and Lighting District No. 96-1				
District Information				
Zone No.	Name / Location	Year Formed	Type of Development	Number of Housing Units
1	Huntwood Avenue and Panjon Street	1990	Residential	30
2	Harder Road and Mocine Avenue	1991	Residential	85
3	Hayward Boulevard and Fairview Avenue	1992	Residential	152
4	Pacheco Way, Stratford Road, Ruus Lane, Ward Creek	1995	Residential	175
5	Soto Road and Plum Street	1995	Residential	38
6 <sup>(1)</sup>	Peppertree Park	1982	Industrial	NA
<b>Notes:</b>			<b>Total</b>	<b>480</b>
(1) Zone 6 is in the industrial district.				

**Table II**

Consolidated Landscaping and Lighting District No. 96-1				
Summary of Assessments and Collections				
Zone No.	FY 1998-99		FY 1999-00	
	Assessment <sup>(1)</sup>	Collection	Assessment <sup>(1)</sup>	Collection
1	\$ 243.16	\$ 76.40	\$ 243.16	\$ 79.16
2	\$ 94.65	\$ 66.48	\$ 94.65	\$ 94.65
3	\$ 315.06	\$ 258.46	\$ 315.06	\$ 315.06
4	\$ 120.68	\$ 120.68	\$ 120.68	\$ 120.68
5	\$ 141.50	\$ 141.50	\$ 141.50	\$ 141.50
6 <sup>(2)</sup>	\$ 2.33	\$ 1.22	\$ 2.33	\$ 1.66
<b>Notes:</b> (1) Assessment amounts shown include a 1.7% County collection charge. (2) Zone 6 is in the industrial district. Assessment shown is per lineal foot.				

Prepared by:



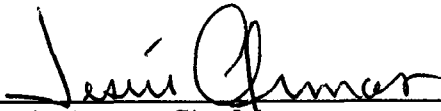
Bashir Y. Anastas, P.E.  
Development Review Services Engineer

Recommended by:



Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits:

Engineer's Report  
Draft Resolution(s)

6.29.99

# **ANNUAL LEVY REPORT**

## **LANDSCAPING & LIGHTING ASSESSMENT DISTRICT NO. 96-1**

### **(LLD No. 96-1)**

**LANDSCAPING AND LIGHTING ACT OF 1972**



## **ENGINEER 'S REPORT**

### **(FISCAL YEAR 1999-00)**

### **Contents**

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7. Resolution No. 96-93, Ordering the Consolidation is on File in the Office of the City Clerk
8. Resolution No. 99-\_\_\_, Declaring Intention to Order Levy and Collection of Assessments
9. Resolution No. 99-\_\_\_, Ordering Levy and Collection of Assessments
10. Plans Indicating Facilities to be Maintained are on File in the Office of the City Clerk

## BACKGROUND AND APPORTIONMENT METHODOLOGY

The Landscaping and Lighting Act of 1972<sup>1</sup> authorizes the City to levy and collect special assessments in order to carry on its operations and to provide the services and facilities furnished by it. Since 1980, the City has formed eight landscaping and lighting districts to fund the maintenance of landscaping in eight different locations. The six zones subject of this report are as follows:

**Table I**

Consolidated Landscaping and Lighting District No. 96-1				
District Information				
Zone No.	Name / Location	Year Formed	Type of Development	Number of Housing Units
1	Huntwood Avenue and Panjon Street	1990	Residential	30
2	Harder Road and Mocine Avenue	1991	Residential	85
3	Hayward Boulevard and Fairview Avenue	1992	Residential	152
4	Pacheco Way, Stratford Road, Ruus Lane, Ward Creek	1995	Residential	175
5	Soto Road and Plum Street	1995	Residential	38
6 <sup>(1)</sup>	Peppertree Park	1982	Industrial	NA
<b>Notes:</b>			<b>Total</b>	<b>480</b>
(1) Zone 6 is in the industrial district.				

Each of the existing 1972 Act Districts was formed to assist the City of Hayward to provide specific ongoing services. On May 7, 1996, the City Council ordered the consolidation of these districts with six zones to reduce administrative costs. The consolidated district requires only one engineer's report, diagram, assessment roll, public meeting and public hearing. Zones 7 and 8 were added after 1996. The Engineer's Report for Zone 7 was prepared separately because an increase in the assessment is proposed for FY 99-00. Zone 8 was recently formed and its FY 99-00 budget has already been adopted. Assessments in the remaining six zones is held constant from the previous fiscal year.

For the purposes of this report, the boundary of Consolidated Landscaping and Lighting District No. 96-1 is defined by the six non-contiguous area boundaries of Zones 1 through 6 (see Assessment Diagram attached). Budgets were prepared separately for each zone. However, the cost of the engineer's report, printing, mailing and advertising are shared between the zones.

Under the provisions of the Landscaping and Lighting Act of 1972, the district must be reviewed and processed annually and the City Council must determine each year the amount of assessment to be levied for the next fiscal year. This report contains the information necessary to determine the needs for FY 1999-00.

<sup>1</sup> See Part 2 of Division 15 of the Streets and Highways Code of the State of California (commencing with Section 22500 *et seq.*)

## **ZONE 1 - HUNTWOOD AVENUE AND PANJON STREET**

### **Background:**

On November 28, 1989, by Resolution No. 89-331 C.S., the City Council approved the Final Map of Tract 6041, a 30-lot subdivision located on the westerly side of Huntwood Avenue southerly of Panjon Street. The subdivision has a 600+-foot frontage along Huntwood Avenue. Since Huntwood Avenue is a major City street, the City Council required the installation of landscaping and a masonry wall along the subdivision's Huntwood Avenue frontage. On November 13, 1990, by Resolution No. 90-256, the City Council formed Landscaping and Lighting Assessment District No. 1, which is now designated **Zone 1** of Consolidated Landscaping and Lighting Assessment District No. 96-1.

The landscaped area that is the subject of this assessment district zone consists of a 4-foot-wide strip between the sidewalk and the right-of-way line and an additional 8-foot-wide landscaped strip within a landscape easement. A masonry sound wall is located at the westerly edge of this landscape area. The ownership and the responsibility for the masonry wall, as a structure, remains with the individual property owners. The district's maintenance obligation is limited to surface maintenance on the street side of the wall, such as painting, cleaning, and minor surface repair.

### **Apportionment Methodology:**

The subject facilities provide an identity, noise barrier and a significant aesthetic value to all the homes within the tract. This special benefit derived by the individual lots is indistinguishable from each other. Therefore, all lots derive the same special benefit and the method of assessment is established on the basis of equal assessments for all 30 lots.

The projected total FY 1999-00 maintenance and incidental cost of \$7,294.74 is the same as in the 1998-99 fiscal year. The proposed annual assessment per lot of \$243.16 is also the same as the FY 1998-99 assessment.

Since \$4,920 in surplus funds are anticipated for this fiscal year, the **actual required annual collection per lot to fund the estimated FY 1999-00 expenses and maintain reserves will be \$79.16**; slightly higher than last year's collection of \$76.40.

Since the assessment is used exclusively for maintenance of parkway landscape improvements and wall graffiti removal within the Huntwood Avenue street right-of-way, and there is no increase in the assessment, there is no requirement for a mail-in ballot.

## **ZONE 2 - HARDER ROAD AND MOCINE AVENUE**

### **Background:**

On June 26, 1990, by Resolution No. 90-151 C.S., the City Council approved the Final Map of Tract 6042, a 85-lot subdivision abutting the southerly side of Harder Road and located between Mocine Avenue and the Southern Pacific Transportation Company tracks. On June 25, 1991, by Resolution No. 91-137, the City Council formed Landscaping and Lighting Assessment District No. 2, which is now designated **Zone 2** of Consolidated Landscaping and Lighting Assessment District No. 96-1.

The landscaped area that is the subject of this assessment district zone consists of the area between the masonry sound wall and the sidewalk along the frontage of Harder Road, Mocine Avenue (as realigned) and a segment of Sunburst Drive. The ownership and the responsibility for the masonry wall, as a structure, remains with the individual property owners. The district's maintenance obligation is limited to surface maintenance on the street side of the wall, such as painting, cleaning, and minor surface repair.

The properties within the tract are contiguous to each other and the tract is not a continuation of any existing development in the surrounding area. The architecture, masonry wall and landscaping set the tract off as a distinct and separate development. With the wall and landscaping extending approximately 1,000 feet along the Harder Road, Mocine Avenue and Sunburst Drive frontage, and the enhancement to the aesthetics that the wall and landscaping provide to the development, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance. Therefore, the responsibility to maintain said facilities has been assumed by the City, subject to the City recovering the costs from the district.

### **Apportionment Methodology:**

The subject facilities provide an identity, noise barrier and a significant aesthetic value to all the homes within the tract. This special benefit derived by the individual lots is indistinguishable from each other. Therefore, all lots derive the same special benefit and the method of assessment is established on the basis of equal assessments for all 85 lots.

The projected total FY 1999-00 maintenance and incidental cost of \$8,045.44 is the same as the cost estimated for FY 1998-99. The proposed annual assessment per lot of \$94.65 is also the same as the FY 1998-99 assessment.

Since no surplus is anticipated for this fiscal year, the **actual required annual collection per lot to fund the estimated FY 1999-00 expenses and maintain reserves will be \$94.65**; higher than last year's collection of \$66.48; due to a surplus in that budget year.

Since the assessment is used exclusively for maintenance of parkway landscape improvements and wall graffiti removal within the Harder Road street right-of-way, and there is no increase in the assessment, there is no requirement for a mail-in ballot.

## **ZONE 3 - HAYWARD BOULEVARD AND FAIRVIEW AVENUE**

### **Background:**

On July 22, 1980, by Resolution No. 80-326 C.S., the City Council approved the Final Map of Tract 4007, a 152-lot subdivision and planned development located on the northerly side of Hayward Boulevard at the intersection of Hayward Boulevard and Fairview Avenue. On June 23, 1992, by Resolution No. 92-174, the City Council formed Landscaping and Lighting Assessment District No. 3, which is now designated **Zone 3** of Consolidated Landscaping and Lighting Assessment District No. 96-1.

The subdivision has approximately one mile of landscaped frontage along Hayward Boulevard and Fairview Avenue with significant slope areas along the street. On the southerly side of Fairview Avenue there is a significant canyon area and wildlife habitat, of which approximately 60 acres are within the subdivision. There is also an interconnecting open space area within the subdivision connecting the canyon with the hill area on the northerly side of Fairview Avenue. Both of the open space areas are owned by the City.

Because of the interconnecting open space and the landscaped slopes associated with the subdivision, the City Council required extensive landscaping to preserve the character of the area and to enhance the streetscape and the aesthetics of the subdivision. Because of the magnitude of the landscaping and the fact that the landscaped areas are within public rights-of-way, the City assumed responsibility for maintaining the facilities, subject to recovery of costs.

Areas maintained, as shown in Exhibit A, include the frontage landscaping along Hayward Boulevard and Fairview Avenue, several open spaces within the tract and the outside surface of the masonry sound wall along Hayward Boulevard and Fairview Avenue and annual flowers at the entrances to the development. The ownership and the responsibility for the masonry wall, as a structure, remains with the individual property owners. The district's maintenance obligation is limited to surface maintenance on the street side of the wall, such as painting, cleaning, and minor surface repair. There are no funds budgeted for maintenance of the non-irrigated, non-landscaped open space areas.

### **Apportionment Methodology:**

The subject facilities provide an identity, noise barrier and a significant aesthetic value to all the homes within the tract. The special benefit derived by the individual lots is indistinguishable from each other. Therefore, all lots derive the same special benefit, and the method of assessment is established on the basis of equal assessments for all 151 single-family lots.

Although the 0.409-acre open space area fronting Fox Hollow Drive was excluded for purposes of assessment in previous years, Proposition 218 reverses the earlier exemption of public agencies from assessments. The open space, which is owned by the City and maintained by this landscaping and lighting district, receives minimal special benefit, since it contains no residents. Therefore, the special benefit is established as equal to the special benefit received by one residential lot.



***New Budget Items for FY 1999-00***

The Zone 3 budget for FY 1999-00 includes \$10,900 for professional design services and capital improvements. Property owners in Zone 3 expressed a desire to install additional improvements and improve the operation of the district. The budget proposal is to procure the services of a professional landscape architect to formulate an improvement plan for the district with possible multi-year implementation. It is envisioned that about half the new budget item (approximately \$5,500) will be used for professional services, with the remainder to be utilized for improvement plan implementation.

The amount included in the district budget is excess moneys that would not have been needed or collected by the district during FY 99-00. Staff will exercise oversight over the procurement of services or contract similar to established procedures for current operations.

The projected total FY 1999-00 maintenance and incidental cost of \$47,888.39 is the same as in the 1998-99 fiscal year. The proposed annual assessment per lot of \$315.06 is also the same as the FY 1998-99 assessment.

Since no surplus funds are anticipated for this fiscal year, the **actual required annual collection per lot to fund the estimated FY 1999-00 expenses and maintain reserves will be \$315.06**; higher than last year's collection of \$258.46; due to a surplus in that budget year.

Since there is not an increase in the proposed assessment from the assessment approved by the voters last year, there is no requirement for a mail-in ballot.

## **ZONE 4 - PACHECO WAY, STRATFORD ROAD, RUUS LANE, WARD CREEK**

### **Background:**

On January 5, 1993, by Resolution No. 93-010, the City Council approved the vesting tentative map of Tract 6472, a 148-lot single-family residential subdivision located on the northerly side of Industrial Parkway West adjacent to the collector streets of Pacheco Way, Stratford Road and Ruus Lane. The 148-lots were phased as Tracts 6472 and 6560, which consist of 89-lots and Tract 6683, which consists of 59-lots located on the east side of Stratford Road.

On May 23, 1995, by Resolution No. 95-96, the City Council formed Landscaping and Lighting Assessment District No. 4, which is now designated **Zone 4** of Consolidated Landscaping and Lighting Assessment District No. 96-1.

The facilities to be maintained by the district include the following:

- 1) Approximately 21,000 square feet of landscaping adjacent to Ward Creek Bike Pathway;
- 2) Approximately 2,100 linear feet of asphalt bike pathway adjacent to Ward Creek between Pacheco Way and Folsom Avenue, and bike path striping on pathway;
- 3) Approximately 9 drainage inlets, and 675 feet of 6-inch PVC drain pipe adjacent to the pathway;
- 4) A 14-foot-wide entry gate structure, an 8-foot-wide swing gate, and a 12-foot-wide swing gate;
- 5) 32 linear feet of 8-foot-wide prefabricated steel bridge with wood deck;
- 6) Approximately 50 linear feet of 4-foot-high black vinyl clad chain link fencing at two locations between Ward Creek and the asphalt pathway;
- 7) Surface maintenance of a 6 to 8-foot-high masonry sound wall along Pacheco Way including the area adjacent to the curb return area at Stratford Road and Pacheco Way;
- 8) Landscaping irrigation system including electrical controllers;
- 9) Approximately 2,100 square feet of median landscaping on Stratford Road and Ruus Lane;
- 10) Pedestrian access between Rosecliff Lane and Ward Creek pathway; and
- 11) Approximately 7,500 square feet of landscaping along Pacheco Way.

On January 23, 1996, by Resolution No. 96-19, the City Council approved annexing the properties in Tract 6682 into LLD #4. The additional facilities to be maintained by the district are as follows:

- 1) The landscaping, irrigation and appurtenances on the median island on Ruus Lane; and
- 2) Surface maintenance of the masonry sound wall along the southern and eastern property boundaries.

**Apportionment Methodology:**

The Engineer's Cost Estimate includes reserve funds for extraordinary repair of district facilities, for the replacement of capital items at the end of their useful life, and a revolving cash flow fund to cover expenditures between July 1 and January 1 of each fiscal year.

The homes within the tracts are contiguous to each other and the tracts are not a continuation of any existing development in the surrounding area which consists of mobile home parks and industrial land uses. The architecture, landscaping features, masonry sound wall, and raised median landscaping features set the development off as a distinct and separate development. Therefore, all lots derive the same special benefit, and the method of assessment is established on the basis of equal assessments for all 174 lots. The same is true for the pathway and appurtenances adjacent to Ward Creek. Given the magnitude and extent of the improvements and the resulting aesthetic benefit to the development, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance; therefore, responsibility to maintain said improvements has been assumed by the City, subject to the City recovering the costs of such maintenance through Zone 4 assessments.

The 1.9-acre Stratford park site fronting Stratford Road receives minimal special benefit, since it contains no residents who might enjoy the bike pathway facilities. The special benefit for the park was established as equal to the special benefit received by one residential lot.

The projected total FY 1999-00 maintenance and incidental cost of \$21,119.02 is the same as in the 1998-99 fiscal year. The proposed annual assessment per lot of \$120.68 is also the same as the FY 1998-99 assessment.

Since there is no anticipated surplus for this fiscal year, the **actual required collection per lot to fund the estimated FY 1999-00 expenses and maintain reserves will be \$120.68; which is the same as last year's collection amount.**

Since the assessment is used exclusively for maintenance of parkway landscape, bike pathway improvements and wall graffiti removal within the Stratford Road and Ruus Lane street right-of-way and the Ward Creek bike pathway right-of-way and there is no increase in the assessment, there is no requirement for a mail-in ballot.

## **ZONE 5 - SOTO ROAD AND PLUM TREE STREET**

### **Background:**

On September 6, 1994, by Resolution No. 94-203, the City Council approved Final Map Tract 6641, a 15-lot single-family residential subdivision located on the southwesterly side of Soto Road including the residential Plum Tree Street within the subdivision.

Pursuant to Resolution Nos. 94-88 and 94-89, adopted by the City Council April 26, 1994, approval was granted Vesting Tentative Map Tract 6641 and Site Plan Review/Variance Application No. 93-120, wherein a condition of approval was added by the City Council regarding the creation and implementation of an acceptable financing mechanism that would assure the perpetual maintenance of all landscaping and common improvements identified in those approvals and as set forth in this report.

On May 23, 1995, by Resolution No. 95-97, the City Council formed Landscaping and Lighting Assessment District No. 5, which is now designated **Zone 5** of Consolidated Landscaping and Lighting Assessment District No. 96-1.

The facilities which will be maintained by Zone 5 are as follows:

- 1) Landscaping within the 10-foot-wide setback area between the masonry wall and the sidewalk, (approximately 360 LF);
- 2) Landscaping and appurtenances within the 5.5-foot-wide planter strip between the sidewalk and the curb return areas across the frontage of Tract 6641; and
- 3) The masonry sound wall along the Soto Road frontage of Tract 6641 and the curb return areas at the intersection of Soto Road and Plum Tree Street.

On October 17, 1995, by Resolution No. 95-192, the City Council approved Final Map Tract 6754, a 23-lot subdivision located at the southeast corner of Soto Road and Orchard Avenue, conditional upon annexation of the tract properties to Zone 5. Subsequently, the City Council approved annexing the properties in Tract 6754 into LLD #5 (Resolution No. 95-196). The additional facilities to be maintained by Zone 5 were as follows:

- 1) Landscaping and appurtenances located within the 10-foot-wide setback area between the masonry wall and the sidewalk (approximately 440 LF);
- 2) Landscaping and appurtenances within the 5.5-foot-wide planter strip between the sidewalk and the curb across the Soto Road frontage of Final Map Tract 6754; and
- 3) Surface maintenance of the masonry sound wall along the Soto Road frontage of Final Map Tract 6754.

In accordance with the adopted map approvals, the cost of the annexation to Zone 5 was borne by the developer. The developer maintained the landscaping until September 16, 1997, when the City hired a licensed landscape contractor to maintain the landscaping and the street side of the wall.

**Apportionment Methodology:**

The homes within the tracts are contiguous to each other and the tracts are not a continuation of any existing development in the surrounding area. The architecture, landscaping features, and masonry sound wall set these developments off as distinct and separate developments. Given the extent of the improvements and the resulting esthetics that provide a special benefit to the development, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance. For this reason, responsibility for maintaining the improvements has been assumed by the City, subject to the City recovering the costs of such maintenance through the landscaping and lighting assessment district.

The special benefit derived by the individual lots is indistinguishable between lots; therefore, all lots derive the same special benefit and the method of assessment is established on the basis of equal assessments for all 38 lots.

The projected total FY 1999-00 maintenance and incidental cost of \$5,373.94 is the same as in the 1998-99 fiscal year. The proposed annual assessment per lot of \$141.50 is also the same as the FY 1998-99 assessment.

Since there is no anticipated surplus for this fiscal year, the **actual required collection per lot to fund the estimated FY 1999-00 expenses and maintain reserves will be \$141.50; which is the same as last year's collection amount.**

## **ZONE 6 - PEPPERTREE PARK**

### **Background:**

On October 28, 1980, by Resolution No. 80-438 C.S., the City Council initiated proceedings for levy of assessments for the maintenance and servicing of landscaping improvements in the lands within Peppertree Park industrial subdivision, Tract 4420, and Lot 2 of Tract 3337. On May 11, 1982, by Resolution No. 82-160 C.S., the City Council formed the Peppertree Park Landscaping and Lighting District, which is now designated Zone 6 of Consolidated Landscaping and Lighting Assessment District No. 96-1.

The landscaped area that is the subject of this assessment district consists of the landscaping and decorative paving within the median islands in San Clemente Street between Zephyr Avenue and San Antonio Street, and the identification sign, fountain, lighting and landscaping in the main entrance median at San Clemente Street and San Antonio Street, which provides a special benefit to the properties along the street.

A few years ago the original subdivision encountered financial problems and the assessment payments became delinquent. After the problems were resolved, the delinquent assessments plus penalties were collected. Consequently, there is a surplus in the fund, which has been used to pay the annual assessments.

The costs are spread to each parcel in proportion to the San Clemente Street frontage length to the overall San Clemente Street frontage within the district. The street frontage is based on the actual linear length of each parcel at the street right-of-way line. The overall street frontage is 4,994 feet from the San Clemente P.C.R. at Zephyr Avenue to the intersection of the northerly boundary of Lot 17 and San Clemente Street and the northerly boundary of Lot 2, Tract 3337.

The projected total FY 1999-00 maintenance and incidental cost of \$11,634.98 is the same as that of FY 1998-99. The proposed assessment per lineal foot of \$2.33 is also the same as the FY 1998-99 assessment.

Since \$3,400 in surplus funds are anticipated for this fiscal year, the **actual required annual collection per lineal foot to fund the estimated FY 1999-00 expenses and maintain reserves will be \$1.66; higher than last year's collection amount of \$1.22.**

**CONSOLIDATION AND ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1  
(LLD No. 96-1)**

**CERTIFICATIONS  
FISCAL YEAR 1999-00**

I, the City Clerk of the City of Hayward, California, hereby certify that the Engineer's Report, with estimates of costs as set forth in Column (1) pages 14 through 19, the Assessment Rolls indicating the individual assessments and the Assessment Diagram, all within and a part of said report, was filed with this office on June 8, 1999.

\_\_\_\_\_  
City Clerk

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in Column (2) under Estimates of Costs on pages 14 through 19 of the foregoing report, and the breakdown of estimated costs on pages 21 through 26 of this report, and the amounts indicated on the Assessment Rolls have been computed in accordance with the order of the City Council of said City, as expressed by its Resolution No. 99-, duly adopted by said Council on June 8, 1999.

Dated: June 8, 1999

City of Hayward

By: \_\_\_\_\_

Bashir J. Masters  
Engineer of Work

I, the City Clerk of the City of Hayward, California, hereby certify that the Assessments as shown on the Assessment Rolls and the Estimates of Costs as shown in Column (3) under Estimates of Costs on pages 14 through 19, and the Assessment Diagram thereto attached were approved and confirmed by the City Council of said City on \_\_\_\_\_, 1999, by Resolution No. 99-, subject documents are a part of the Engineer's Report of subject district, which is on file in this office.

\_\_\_\_\_  
City Clerk

I, the City Clerk of the City of Hayward, California, hereby certify that a certified copy of the Assessment Rolls and the Assessment Diagram was filed in the office of the County Assessor of the County of Alameda, California, on \_\_\_\_\_, 1999.

\_\_\_\_\_  
City Clerk

Annual Levy Report Consolidated Landscaping & Lighting District 96-1 - 1999-00

WHEREAS, on June 8, 1999, by Resolution No. 99-\_\_\_\_\_, the City Council of the City of Hayward, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution Directing Filing of Annual Report for Consolidated Landscaping and Lighting Assessment District No. 96-1, more particularly therein described and hereby attached to this report;

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565 et seq. of said Act;

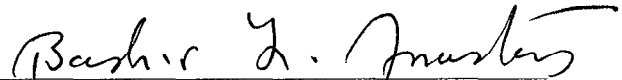
WHEREAS, on June 8, 1999, by Resolution No. 99-\_\_\_, the City Council of the City of Hayward, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution Preliminarily Approving Engineer's Report and Declaring Intention to Order Levy and Collection of Assessments for the 1999-00 Fiscal Year, for Consolidated Landscaping and Lighting District No. 96-1;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Council of said City, hereby make the following assessments to cover the portion of the estimated costs of the maintenance of said improvements and the costs of the maintenance of said improvements and the costs and expenses incidental thereto to be paid by said District.

Dated: June 8, 1999

City of Hayward

By: \_\_\_\_\_



Bashir Y. Anastas, P.E.

R.C.E. No. 48748

Engineer of Work



**ZONE 1 - HUNTWOOD AVENUE AND PANJON STREET**

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	<b>Estimate of Costs</b>		
	<b>(1) As Filed</b>	<b>(2) As Preliminarily Approved</b>	<b>(3) As Finally Approved</b>
Cost of Maintenance	\$3,748.10	\$3,748.10	
Incidental Expenses	\$3,463.00	\$3,463.00	
Total Assessable Costs	\$7,294.74	\$7,294.74	
Number of Assessable Parcels	30	30	
<b>Assessment Per Parcel</b>	<b>\$ 243.16</b>	<b>\$ 243.16</b>	
Total Anticipated Surplus Funds	(\$4,920.00)	(\$4,920.00)	
County Collection Charge	\$38.30	\$38.30	
Total to be Collected for FY 1999-00	\$2,374.74	\$2,374.74	
<b>Collection Per Parcel</b>	<b>\$ 79.16</b>	<b>\$ 79.16</b>	

**ZONE 2 - HARDER ROAD AND MOCINE AVENUE**

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	<b>Estimate of Costs</b>		
	<b>(1) As Filed</b>	<b>(2) As Preliminarily Approved</b>	<b>(3) As Finally Approved</b>
Cost of Maintenance	\$5,721.25	\$5,721.25	
Incidental Expenses	\$2,324.19	\$2,324.19	
Total Assessable Costs	\$8,045.44	\$8,045.44	
Number of Assessable Parcels	85	85	
<b>Assessment Per Parcel</b>	<b>\$ 94.65</b>	<b>\$ 94.65</b>	
Total Anticipated Surplus Funds	\$0.00	\$0.00	
County Collection Charge	\$134.49	\$134.49	
Total to be Collected for FY 1999-00	\$8,045.44	\$8,045.44	
<b>Collection Per Parcel</b>	<b>\$ 94.65</b>	<b>\$ 94.65</b>	

**ZONE 3 - HAYWARD BOULEVARD AND FAIRVIEW AVENUE**

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	Estimate of Costs		
	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	\$33,291.00	\$33,291.00	
Incidental Expenses	\$14,597.39	\$14,597.39	
Total Assessable Costs	\$47,888.39	\$47,888.39	
Number of Assessable Parcels	152	152	
<b>Assessment Per Parcel</b>	<b>\$ 315.06</b>	<b>\$ 315.06</b>	
Total Anticipated Surplus Funds	\$0.00	\$0.00	
County Collection Charge	\$800.49	\$800.49	
Total to be Collected for FY 1999-00	\$47,888.39	\$47,888.39	
<b>Collection Per Parcel</b>	<b>\$ 315.06</b>	<b>\$ 315.06</b>	

**ZONE 4 - PACHECO WAY, STRATFORD ROAD, RUUS LANE, WARD CREEK**

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	Estimate of Costs		
	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	\$17,838.00	\$17,838.00	
Incidental Expenses	\$3,280.25	\$3,280.25	
Total Assessable Costs	\$21,118.25	\$21,118.25	
Number of Assessable Parcels	175	175	
<b>Assessment Per Parcel</b>	<b>\$ 120.68</b>	<b>\$ 120.68</b>	
Total Anticipated Surplus Funds	\$0.00	\$0.00	
County Collection Charge	\$353.01	\$353.01	
Total to be Collected for FY 1999-00	\$21,118.25	\$21,118.25	
<b>Collection Per Parcel</b>	<b>\$ 120.68</b>	<b>\$ 120.68</b>	

**ZONE 5 - SOTO ROAD AND PLUM TREE STREET**

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	Estimate of Costs		
	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	\$3,611.28	\$3,611.28	
Incidental Expenses	\$1,765.88	\$1,765.88	
Total Assessable Costs	\$5,377.16	\$5,377.16	
Number of Assessable Parcels	38	38	
<b>Assessment Per Parcel</b>	<b>\$ 141.50</b>	<b>\$ 141.50</b>	
Total Anticipated Surplus Funds	\$0.00	\$0.00	
County Collection Charge	\$89.88	\$89.88	
Total to be Collected for FY 1999-00	\$5,377.16	\$5,377.16	
<b>Collection Per Parcel</b>	<b>\$ 141.50</b>	<b>\$ 141.50</b>	

**ZONE 6 - PEPPERTREE PARK**

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	<b>Estimate of Costs</b>		
	<b>(1) As Filed</b>	<b>(2) As Preliminarily Approved</b>	<b>(3) As Finally Approved</b>
Cost of Maintenance	\$7072.50	\$7072.50	
Incidental Expenses	\$4,504.68	\$4,504.68	
Total Assessable Costs	\$11,634.98	\$11,634.98	
No. of Lineal Feet of Street Frontage	4994	4994	
<b>Assessment Per Lineal Foot</b>	<b>\$ 2.33</b>	<b>\$ 2.33</b>	
Total Anticipated Surplus Funds	(\$3,400.00)	(\$3,400.00)	
County Collection Charge	\$136.69	\$136.69	
Total to be Collected for FY 1999-00	\$8,234.98	\$8,234.98	
<b>Collection Per Lineal Foot</b>	<b>\$ 1.66</b>	<b>\$ 1.66</b>	

Annual Levy Report Consolidated Landscaping & Lighting District 96-1 - 1999-00

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said assessment district and each lot of land within said assessment district, each of which lots having been given a separate number upon said diagram. The boundary of the consolidated district is defined by the non-contiguous areas contained in the six zones. For the lines and dimensions of each lot, reference is made to the County Assessor's maps for fiscal year 1999-00.

I do hereby assess the net amount to be assessed upon all assessable lots within said assessment district by apportioning that amount equally among the lots, which is in proportion to the estimated benefits to be received by each such lot from the landscape improvements, and more particularly set forth in the list hereto attached and by reference made a part hereof. The method of spreading assessments utilizing a per lot basis was selected as most accurately distributing the costs in proportion to benefits received, except in Zone 6 where the method of spreading assessments in proportion to the San Clemente Street frontage length to the overall San Clemente Street frontage within the district was selected as most accurately distributing the costs in proportion to benefits received.

The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said lot(s).

Each lot assessed is described in the assessment rolls by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for fiscal year 1999-00 and includes all of such parcel excepting those portions thereof within existing City streets.

For line and dimensions of the lots reference is made to the Assessors Map. For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions reference is hereby made to the final maps as described in the background.

Dated:

June 8, 1999

Bashir Y. Anastas  
Bashir Y. Anastas, P.E.  
Engineer of Work

**ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING DISTRICT 96-1  
(LLD No. 96-1)**

**ZONE 1  
(HUNTWOOD AVENUE AND PANJON STREET)**

**Engineer's Cost Estimate  
FY 1999/00**

	<b>FY 99/00 Budget</b>
<b><u>I. MAINTENANCE COSTS</u></b>	
(a) Irrigation water	780.00
(b) Electrical energy	180.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying	1,800.00
(d) Masonary wall (surface Maintenance)	500.00
(e) Contingency (15%)	488.10
<b>Total Maintenance Cost</b>	<b>3,748.10</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	1,100.00
(b) Engineer's Report, preparation of documents, printing, and advertising	1,500.00
(c) Capital Replacement & Repair Fund <sup>(1)</sup>	824.70
(d) Cash Flow Fund (7/99-1/00 @ 33%) <sup>(2)</sup>	0.00
(e) County Collection Charges (1.7%)	38.30
<b>Total Incidental Cost</b>	<b>3,463.00</b>
<b><u>III. TOTAL ASSESSABLE COSTS</u></b>	<b>7,294.74</b>
Surplus from FY 1998-99	(4,920.00)
<b>NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR</b>	<b>2,374.74</b>
Number of Assessable Parcels	30
<b>Assessment per Parcel (Not Accounting for Surplus)</b>	<b>243.16</b>
<b>Collection per Parcel after Accounting for Surplus</b>	<b>79.16</b>
<b><u>IV. FUND BALANCES AT THE END OF FY 1998-99</u></b>	
Capital Replacement & Repair Fund <sup>(1)</sup>	3,187.80
Cash Flow Fund <sup>(2)</sup>	1,237.17
<b>NOTES:</b>	
(1) Includes irrigation system and plant replacement set-aside. Re-budgeted annually.	
(2) An adequate amount for operations is available from the balance of fund as of the end of FY 1998-99	



**ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING DISTRICT 96-1  
(LLD No. 96-1)**

**ZONE 2  
(HARDER ROAD AND MOCINE AVENUE)**

**Engineer's Cost Estimate  
FY 1999/00**

	<b>FY 99/00 Budget</b>
<b><u>I. MAINTENANCE COSTS</u></b>	
(a) Irrigation water	1,325.00
(b) Electrical energy	150.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying	3,200.00
(d) Masonary wall (surface Maintenance)	300.00
(e) Contingency (15%)	746.25
<b>Total Maintenance Cost</b>	<b>5,721.25</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	1,000.00
(b) Engineer's Report, preparation of documents, printing, and advertising	600.00
(c) Capital Replacement & Repair Fund <sup>(1)</sup>	389.70
(d) Cash Flow Fund (7/99-1/00 @ 33%) <sup>(1)</sup>	200.00
(e) County Collection Charges (1.7%)	134.49
<b>Total Incidental Cost</b>	<b>2,324.19</b>
<b><u>III. TOTAL ASSESSABLE COSTS</u></b>	<b>8,045.44</b>
Surplus from FY 1998-99	0.00
NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR	8,045.44
Number of Assessable Parcels	85
<b>Assessment per Parcel (Not Accounting for Surplus)</b>	<b>94.65</b>
<b>Collection per Parcel after Accounting for Surplus</b>	<b>94.65</b>
<b><u>IV. FUND BALANCES AT THE END OF FY 1998-99</u></b>	
Capital Replacement & Repair Fund <sup>(1)</sup>	0.00
Cash Flow Fund <sup>(1)</sup>	0.00
<b><u>NOTES:</u></b>	
(1) The Capital Replacement and Cash Flow fund where previously not funded. This report budgets \$510 as set-aside to initiate these funds.	

**ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING DISTRICT 96-1  
(LLD No. 96-1)**

**ZONE 3  
(HAYWARD BOULEVARD AND FAIRVIEW AVENUE)**

**Engineer's Cost Estimate  
FY 1999/00**

	<b>FY 99/00 Budget</b>
<b><u>I. MAINTENANCE COSTS</u></b>	
(a) Irrigation water	9,000.00
(b) Electrical energy	1,200.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying	19,500.00
(d) Masonary wall (surface Maintenance)	560.00
(e) Contingency (10%)	3,031.00
<b>Total Maintenance Cost</b>	<b>33,291.00</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	4,975.00
(b) Engineer's Report, preparation of documents, printing, and advertising	1,200.00
(c) Capital Replacement & Repair Fund <sup>(1)</sup>	(3,278.10)
(d) Design Services & Capital Improvements <sup>(1)</sup>	10,900.00
(e) Cash Flow Fund (7/99-1/00 @ 33%) <sup>(2)</sup>	0.00
(f) County Collection Charges (1.7%)	800.49
<b>Total Incidental Cost</b>	<b>14,597.39</b>
<b><u>III. TOTAL ASSESSABLE COSTS</u></b>	<b>47,888.39</b>
Surplus from FY 1998-99	0.00
<b>NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR</b>	<b>47,888.39</b>
Number of Assessable Parcels	152
<b>Assessment per Parcel (Not Accounting for Surplus)</b>	<b>315.06</b>
<b>Collection per Parcel after Accounting for Surplus</b>	<b>315.06</b>
<b><u>IV. FUND BALANCES AT THE END OF FY 1998-99</u></b>	
Capital Replacement & Repair Fund <sup>(1)</sup>	18,278.10 <sup>(1)</sup>
Cash Flow Fund <sup>(2)</sup>	12,622.50

**NOTES:**

- (1) Includes irrigation system and plant replacement set-aside. Re-budgeted annually.  
For FY 1999-00, the fund requirement is estimated at \$15,000. The budget amounts shown include a release of \$3,278.1 for design services and capital improvements within the District (Item d).
- (2) Budget amount takes into account prior year fund balance.

**ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING DISTRICT 96-1  
(LLD No. 96-1)**

**ZONE 4  
(PACHECO WAY, STRATFORD ROAD, RUUS LANE, WARD CREEK)**

**Engineer's Cost Estimate  
FY 1999/00**

	<b>FY 99/00 Budget</b>
<b><u>I. MAINTENANCE COSTS</u></b>	
(a) Irrigation water	5,600.00
(b) Electrical energy	650.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying	9,240.00
(d) Masonary wall (surface Maintenance)	500.00
(e) Drainage and Access Facilities <sup>(1)</sup>	1,700.00
(f) Contingency <sup>(2)</sup>	148.00
<b>Total Maintenance Cost</b>	<b>17,838.00</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	1,200.00
(b) Engineer's Report, preparation of documents, printing, and advertising	1,000.00
(c) Capital Replacement & Repair Fund <sup>(3)</sup>	0.00
(d) Cash Flow Fund (7/99-1/00 @ 33%) <sup>(4)</sup>	727.24
(e) County Collection Charges (1.7%)	353.01
<b>Total Incidental Cost</b>	<b>3,280.25</b>
<b><u>III. TOTAL ASSESSABLE COSTS</u></b>	<b>21,118.25</b>
Surplus from FY 1998-99	0.00
<b>NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR</b>	<b>21,118.25</b>
Number of Assessable Parcels	175
<b>Assessment per Parcel (Not Accounting for Surplus)</b>	<b>120.68</b>
<b>Collection per Parcel after Accounting for Surplus</b>	<b>120.68</b>
<b><u>IV. FUND BALANCES AT THE END OF FY 1998-99</u></b>	
Capital Replacement & Repair Fund <sup>(3)</sup>	11,237.85
Cash Flow Fund <sup>(4)</sup>	5,159.30

**NOTES:**

- (1) Includes maintenance of nine drainage inlets, an asphalt pathway, a 6" PVC drain pipe, a pedestrian access between Rosecliff Ln. and Ward Cr., and an entry gate structure ( two swing and chain link gates).
- (2) Contingency is budgeted at less than the customary 15% in order to keep the assessment within the limits set by Prop 218. Reserve funds will be used for unscheduled maintenance costs in excess of contingency amount shown.
- (3) Includes irrigation system and plant replacement set-aside. Prior year balance deemed adequate.
- (4) Budget amount takes into account prior year fund balance.

**ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING DISTRICT 96-1  
(LLD No. 96-1)**

**ZONE 5  
(SOTO ROAD AND PLUM STREET)**

**Engineer's Cost Estimate  
FY 1999/00**

	<b>FY 99/00 Budget</b>
<b><u>I. MAINTENANCE COSTS</u></b>	
(a) Irrigation water	380.00
(b) Electrical energy	100.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying (twice monthly)	2,500.00
(d) Masonary wall (surface Maintenance)	300.00
(e) Contingency (10%)	331.28
<b>Total Maintenance Cost</b>	<b>3,611.28</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	1,000.00
(b) Engineer's Report, preparation of documents, printing, and advertising	779.50
(c) Capital Replacement & Repair Fund <sup>(1)</sup>	0.00
(d) Cash Flow Fund (7/99-1/00 @ 33%) <sup>(2)</sup>	-103.51
(e) County Collection Charges (1.7%)	89.88
<b>Total Incidental Cost</b>	<b>1,765.88</b>
<b><u>III. TOTAL ASSESSABLE COSTS</u></b>	<b>5,377.16</b>
Surplus from FY 1998-99	0.00
NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR	5,377.16
Number of Assessable Parcels	38
<b>Assessment per Parcel (Not Accounting for Surplus)</b>	<b>141.50</b>
<b>Collection per Parcel after Accounting for Surplus</b>	<b>141.50</b>
<b><u>IV. FUND BALANCES AT THE END OF FY 1998-99</u></b>	
Capital Replacement & Repair Fund <sup>(1)</sup>	1,106.02
Cash Flow Fund <sup>(2)</sup>	1,295.23
<b>NOTES:</b>	
(1) Includes irrigation system and plant replacement set-aside. Re-budgeted annually.	
(2) Budget amount takes into account prior year fund balance. Negative amount indicates release of reserves.	

**ANNUAL LEVY REPORT  
LANDSCAPING AND LIGHTING DISTRICT 96-1  
(LLD No. 96-1)**

**ZONE 6  
(PEPPERTREE PARK)**

**Engineer's Cost Estimate  
FY 1999/00**

	<b>FY 99/00 Budget</b>
<b><u>I. MAINTENANCE COSTS</u></b>	
(a) Irrigation water	2,200.00
(b) Electrical energy	150.00
(c) Landscaping maintenance including debris removal, weeding, trimming, and spraying	3,800.00
(d) Contingency (15%)	922.50
<b>Total Maintenance Cost</b>	<b>7,072.50</b>
<b><u>II. INCIDENTAL COSTS</u></b>	
(a) Administration (City)	1,000.00
(b) Engineer's Report, preparation of documents, printing, and advertising	1,600.00
(c) Capital Replacement & Repair Fund <sup>(1)</sup>	1,768.00
(d) Cash Flow Fund (7/99-1/00 @ 33%) <sup>(2)</sup>	0.00
(e) County Collection Charges (1.7%)	136.69
<b>Total Incidental Cost</b>	<b>4,504.68</b>
<b><u>III. TOTAL ASSESSABLE COSTS</u></b>	<b>11,634.98</b>
Surplus from FY 1998-99	(3,400.00)
<b>NET ASSESSMENT COLLECTIONS FOR FISCAL YEAR</b>	<b>8,234.98</b>
Number of Lineal Feet of Street Frontage	4994
<b>Assessment per Lineal Foot (Not Accounting for Surplus)</b>	<b>2.33</b>
<b>Collection per Lineal Foot after Accounting for Surplus</b>	<b>1.66</b>
<b><u>IV. FUND BALANCES AT THE END OF FY 1998-99</u></b>	
Capital Replacement & Repair Fund <sup>(1)</sup>	5,041.61
Cash Flow Fund <sup>(2)</sup>	2,333.93
<b>NOTES:</b>	
(1) Includes irrigation system and plant replacement set-aside. Re-budgeted annually.	
(2) Budget amount takes into account prior year fund balance.	

DM 6-16-99

HAYWARD CITY COUNCIL

**DRAFT**

RESOLUTION NO. 99- \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

A RESOLUTION CONFIRMING DIAGRAM AND  
ASSESSMENT AND ORDERING LEVY OF ASSESSMENT  
FOR FISCAL YEAR 1999-2000 FOR ZONES 1 THROUGH 6  
OF THE CONSOLIDATED LANDSCAPING AND LIGHTING  
ASSESSMENT DISTRICT NO. 96-1

BE IT RESOLVED, by the City Council of the City of Hayward as follows:

WHEREAS, by its Resolution No. 99-098 entitled "A Resolution Directing Preparation of Annual Report For Zones 1-6 of the Consolidated Landscaping Assessment District No. 96-1" adopted on June 8, 1999, (the "Resolution"), this Council designated Bashir Anastas as Engineer of Work and ordered said Engineer to make and file a report in writing for Zones 1 through 6 of the Consolidated Landscaping and Lighting Assessment District No. 96-1 (the "District") in accordance with and pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act");

WHEREAS, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that July 6, 1999, at the hour of 8:00 o'clock p.m. in the City Council Chambers, 777 B Street, Hayward, California, was appointed as the time and place for a public hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and determined to comprise a protest by less than a majority and wherefore this Council thereby acquired jurisdiction to confirm the diagram and assessment which are a part of the Engineer's Report, and to order the levy of assessments for fiscal year 1999-2000 to pay the costs and expenses thereof.

NOW, THEREFORE, THE CITY COUNCIL FINDS, DETERMINES AND ORDERS, as follows:

1. The protests submitted by the owners of property within the District in opposition to the increased assessment constitute less than a majority protest. Accordingly, any protests to the proposed assessments for fiscal year 1999-2000 are hereby overruled.

2. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

3. The public interest, convenience and necessity require that the levy be made.

4. The District benefitted by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

5. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and
- (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

are confirmed and approved.

6. The assessment to pay the costs and expenses of the maintenance of the improvements in the District for fiscal year 1999-2000 is hereby levied.

7. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City's Finance Director.

8. Upon receipt of moneys representing assessments collected by the County, the Finance Director shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Consolidated Landscaping Assessment District No. 96-1. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward